

What to do if you think you're a victim of unlawful housing discrimination?

If you think that you have or are experiencing discrimination in housing, document the situation as best as possible and contact the Office of Human Rights. Examples of unlawful discrimination include, but are not limited to: being denied an assistance animal, told that housing is not suitable for children, or being treated differently based on protected any protected class status. OHR may be able to assist you.

SOURCES

Tenant Statistical Report, Tompkins Community Action, Ithaca, NY (January 2017).

The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes, Freeman, L. (February 2011).

Expanding Choice: Practical Strategies For Building A Successful Housing Mobility Program, Poverty & Race Research Action Council (May 2016).

American Community Survey 2011-2015, U.S. Census Bureau, 5-Year Estimates (February 2017).

Created in 1963, the Office of Human Rights (OHR) is Tompkins County's civil rights enforcement and outreach agency.

Our two-fold mission is to (a) work towards the elimination and prevention of unlawful discrimination in the areas of housing/lending, employment, and public accommodation and (b) develop and facilitate county-wide programs that increase awareness of human rights and social justice ideals.

If you think you have experienced unlawful discrimination in one of the areas above on the basis of your age, religion, race, color, sex, sexual orientation, gender identity and expression, national origin, marital status, disability, prior arrest/conviction record, predisposing genetic characteristics or familial status, OHR may be able to assist you in filing a complaint with a state or federal human rights agency.

TOMPKINS COUNTY Office of Human Rights



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TOMPKINS COUNTY Office of Human Rights



Source of Income Protection

Frequently Asked Questions (FAQ)



What is Source of Income Protection?

Local “Source of Income” (SOI) laws protect the rights of tenants who use income from some form of public assistance in order to afford safe and decent housing for themselves and their families. Currently, neither New York State or Tompkins County anti-discrimination laws provide this type of protection for its residents. This results in housing providers being able to lawfully reject applicants because they need assistance in paying their rent, even when they are otherwise qualified for the housing. These practices create barriers for people trying to find an affordable place to live. In communities where Source of Income protections exist, housing providers must include all sources of lawful income in determining whether an applicant is able to pay their rent.

What are Lawful Sources of Income?

Lawful sources of income can include regular paychecks, investment income, business profits, housing choice vouchers (HCVs, commonly referred to as Section 8 vouchers), Supplemental Security Income, disability income, child support, spousal support, public assistance, savings, or wages from lawful employment.

What about Housing Choice Vouchers (HCVs)?

Housing Choice Vouchers (Section 8) pay a portion of a recipient’s rent that is considered unaffordable, based on their income. The subsidy is paid in a timely manner and may even be paid directly to the housing provider’s banking account.



Who is Impacted by Source of Income Discrimination?

Tenants who rely on HCVs to afford rent are disproportionately members of protected classes. For example, only 10 percent of Tompkins County residents have a disability, but 46 percent of HCV holders are persons with disabilities. Therefore, excluding HCV holders from housing has a disparate impact on people with disabilities within Tompkins County. Similarly, recent data indicates the same is true for people of color, families with children, and women. On the other hand, Source of Income protections would lead to more residents having greater choices when it comes to securing affordable, safe, and decent housing in Tompkins County.

What about Source of Income Protection for residents of Tompkins County?

While anti-discrimination laws protect individuals in housing on the basis of race, religion, color, national origin, sex, age, disability, marital status, military status, familial status, gender identity/expression, sexual orientation, and domestic violence status, there exist no federal, state, or County laws that provide Source of Income protections.

Does Source of Income Protection Exist in Other Places?

Twelve entire states plus the District of Columbia provide SOI protections, along with 51 additional municipalities across the nation and in New York State (i.e., Buffalo, Hamburg, Nassau County, New York City, Suffolk County, Westchester County, and the Town of West Seneca.



Can a Landlord Still Screen HCV Applicants?

Absolutely. Landlords are authorized to screen all applicants consistent with fair housing law. In all cases, tenants need to be otherwise qualified for housing. Landlords may screen and reject any applicant, including those with HCVs, for past conduct and ability to pay rent, as long as screening is applied equally.

Can a Landlord Lower or Raise Rents for HCV Applicants?

Landlords may choose to lower their rents to make them eligible for use with a voucher, but they are not required to. However, a landlord who raises the rent just for the purpose of making it ineligible for the voucher program would be in violation of a local law that provides Source of Income protections.

Are There Benefits for Landlords Who Rent to Tenants Who Use HCVs?

YES! (1) Many voucher holders are good, long-lasting residents, (2) Landlords have access to greater pools of applicants, (3) Allowable voucher amounts may be higher than the landlord might otherwise get, and (4) Provides landlords with a reliable source of rent payments on a regular monthly schedule.

Are There Social Benefits for the Community?

YES! (1) Greater opportunity for safe neighborhoods near good schools and employment, (2) Creating racially integrated and mixed-income neighborhoods, and (3) Helping seniors and needy families with children.